

RECEIVED

SEP 14 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20554

Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850-5.925 GHz Band to the Mobile Service for Dedicated Short Range Communications of Intelligent Transportation Services

)
)
) **ET Docket No. 98-95**
) **RM-9096**
)
)
)
)

**COMMENTS
OF THE
INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION**

The International Municipal Signal Association ("IMSA"), by its attorneys, respectfully submits these Comments in response to the Notice of Proposed Rule Making ("NPRM") adopted by the Federal Communications Commission ("Commission") in the above-captioned matter on June 11, 1998.^{1/} As explained herein, IMSA strongly supports the Commission's proposal to allocate the 5.850-5.925 GHz ("5.9 GHz") band for the Dedicated Short Range Communications ("DSRC") of Intelligent Transportation Systems ("ITS").

^{1/} 63 Fed. Reg. 35558 (June 30, 1998).

No. of Copies rec'd
List ABOVE

I. INTRODUCTION

IMSA is a non-profit organization dedicated to the development and use of electrical signaling and communications systems in the furtherance of public safety. IMSA members include representatives of federal, state, county, city, township and borough governmental bodies, and representatives of governmental bodies from foreign nations. Organized in 1896, IMSA is the oldest organization in the world dedicated to the activities pertaining to electrical engineering, including the Public Safety use of radio technology. IMSA and the International Association of Fire Chiefs, Inc. are recognized as the frequency coordinating committee for the Fire Radio Service and the Emergency Medical Radio Service and, in conjunction with the Personal Communications Industry Association, constitute the recognized coordinating committee for the Special Emergency Radio Service.

In September, 1997, IMSA filed Reply Comments in support of the Petition for Rule Making ("Petition") of the Intelligent Transportation Society of America ("ITS America") to allocate the 5.9 GHz band for the use of DSRC systems in the deployment of a nationwide ITS infrastructure. Accordingly, IMSA applauds the Commission's efforts in this proceeding to move forward with ITS America's proposal.

II. COMMENTS

A. A New Spectrum Allocation in the 5.9 GHz Band for DSRC Services Would Serve the Public Interest.

As IMSA noted in its Reply Comments regarding ITS America's Petition, many governmental agencies represented by IMSA's membership already have implemented various ITS applications to provide a variety of services that improve the safety and efficiency of transportation on our nation's roadways. For instance, electronic payment services, such as electronic toll collection, have reduced delays in the vicinity of numerous highway toll areas. Moreover, traffic control applications -- some of which still are being developed and tested -- optimize the flow of traffic on streets and highways through, for example, the manipulation of traffic signals, freeway ramps and reversible lanes. Such congestion management, in turn, reduces energy consumption and vehicle emissions, thereby ameliorating the air pollution problems that plague many areas of this country.

Many of IMSA's members also would be interested in deploying new ITS applications, including the future DSRC-based services identified by ITS America in its Petition.^{2/} In this regard, IMSA believes that systems aimed at improving road safety and averting traffic accidents, such as intersection collision warning systems and the Automated Highway System, will provide immeasurable benefits that cannot be attained through existing systems and within the current allocation framework.

^{2/} See Petition at 28-30.

IMSA agrees with the Commission that “[t]he record in this proceeding overwhelmingly supports the use of spectrum to support ITS services to increase the safety and efficiency of the Nation’s transportation infrastructure.”^{3/} In its Petition, ITS America offered extensive information regarding the vast array of public benefits that will be made available through the allocation of the 5.9 GHz band for DSRC services.^{4/} In expressing support for ITS America’s Petition, a number of commenting parties described the particular DSRC applications with which they are involved or interested in developing. Moreover, the United States Department of Transportation (“DOT”) identified numerous public safety goals that will be advanced by a new DSRC allocation, including improved emergency and roadway services responsiveness, a reduction in the number of impaired drivers and enhanced vehicle control capability.^{5/} As the Commission recognizes in its NPRM, no commenting party has challenged “the need for a DSRC allocation or the public benefits that would accrue from the anticipated DSRC operations.”^{6/}

In light of the astronomical levels of congestion that now exist on many of our nation’s roadways, the importance of ITS applications cannot be overstated. IMSA’s Reply Comments regarding ITS America’s Petition emphasize that one of the most significant benefits to be gained through the implementation of ITS applications is a

^{3/} NPRM at ¶ 7.

^{4/} See Petition at 9-30.

^{5/} Comments of DOT at 5-6.

^{6/} NPRM at ¶ 8.

measurable improvement in air quality. In fact, Congress expressly has recognized the connection between traffic management systems and improved air quality. Under the Clean Air Act of 1955, areas that fail to meet certain air quality standards must develop and submit an implementation plan containing a "transportation control measures program." 42 U.S.C. §§ 7511a(c)(5) and 7511a(d). This program must consist of (but need not be limited to) specified "transportation control measures," including "traffic flow improvement programs that achieve emission reductions." 42 U.S.C. §§ 7408(f)(1)(A)(v); 7511a(c)(5) and 7511a(d). ITS applications in the 5.9 GHz band could be a great asset to state, county and city governments in their efforts to reduce congestion and vehicle emissions to levels that satisfy the requirements of the Clean Air Act.

In view of these potential environmental benefits, adoption of the proposed spectrum allocation also would further the goals of the National Environmental Policy Act of 1969 ("NEPA"). Regulations implementing NEPA direct federal agencies such as the Commission to, among other things, "[u]se all practicable means ... to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects upon the quality of the human environment." 40 C.F.R. § 1500.2(f). To this end, federal agencies must, for instance, integrate the NEPA process with other planning at the earliest possible time to ensure that their decisions "reflect environmental values." 40 C.F.R. § 1501.2. The Commission's allocation of the 5.9 GHz band for ITS uses clearly would "reflect environmental values," while providing a host of other important benefits to the millions of people who travel on our nation's roadways.

B. The Proposed Allocation of 75 Megahertz of Spectrum is Not Excessive.

Although the Commission concludes that a significant amount of spectrum is needed for DSRC applications, it requests comment as to whether the proposed 75 megahertz allocation is excessive given the availability of efficient spectrum use techniques and the Commission's goal of promoting spectrum efficiency.^{2/} IMSA believes that ITS America's Petition and the record in this proceeding provide more than ample justification for an allocation of this magnitude.

III. CONCLUSION

The important public safety and other benefits of emerging DSRC applications cannot be achieved without a spectrum allocation that allows for a wide range of DSRC systems, nationwide interoperability and adequate protection against interference from other spectrum users. The record in this proceeding demonstrates that the proposed allocation of 75 megahertz of spectrum from the 5.9 GHz band is ideally suited to these needs. Accordingly, the Commission should move forward with this allocation as soon as possible.

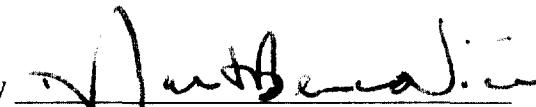
^{2/} NPRM at ¶ 14.

WHEREFORE, THE PREMISES CONSIDERED, the International Municipal Signal Association respectfully urges the Federal Communications Commission to act in a manner fully consistent with the views expressed herein.

Respectfully submitted,

**INTERNATIONAL MUNICIPAL SIGNAL
ASSOCIATION**

By



Martin W. Bercovici

Nicole B. Donath

Tashir J. Lee

KELLER AND HECKMAN LLP

1001 G Street, NW

Suite 500 West

Washington, DC 20001

(202) 434-4144

Its Attorneys

September 14, 1998